

Naples Planning and Land Use
Public Meeting
January 20, 2022

Commission Present: Chris Clark, Jessy McKee, Scott Adams, Jacob Harrison, Scott Major

Commission Absent: Andrew Bentley

Others Present: Mike Davis, Gwen Harrison, Dale Peterson, Stephanie Adams

Opening Ceremonies

Verification of full Quorum Chris Clark verified a full quorum. All commissioners will be voting in tonight's meeting.

Approval of Agenda Chris Clark asks for a motion to move the agenda item of introduction of Scott Major as Alternate to Planning Commission to the first item.

Jacob Harrison moves to introduce the alternate as the next agenda item and approve the agenda for the January 20, 2022, Scott Adams seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Scott Adams	Aye
Jacob Harrison	Aye

Motion carried with all voting Aye. None opposed.

ADMINISTRATIVE
Election

Chris Clark is elected Chairman. Andrew Bentley is elected Vice-Chairman

Disclosures

None

Approval of Minutes

Scott Adams motions to approve the November 18, 2021, minutes. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Scott Adams	Aye
Jacob Harrison	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

Planning Commission Bylaws 02-04-007 Meetings

Mike Davis presented the Planning Commission with the tentative dates for the 2022 Planning Commission meeting schedule, keeping the meeting schedule on the 3rd Thursday of each month.

Chris Clark entertains the motions to approve the schedule as proposed.

Jacob Harrison motions to approve the schedule as proposed. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Scott Adams	Aye

Mike Davis discusses the compensation for Planning Commission members in attendance of Planning Commission meetings be set at \$75 per meeting attended. Jessie McKee elects to not receive compensation for service.

PLANNING/DISCUSSION

Accessory Buildings Minimum Setbacks 02-14-006, 02-21-005.4, 02-22-005.4, 02-23-004.4, 02-24-005.4, 02-25-006.4, 02-11-008.4

Building Official, Dale Peterson, presents the proposed changes for the Accessory Building Minimum Setbacks. In building codes and land use ordinance for accessory buildings, those under 200 square feet do not require building permits. In the current land use ordinance, residents are being told where they can place these in their back yards, which is creating problems as neighbors contend with neighbors during construction of a tool shed, which currently has 5 foot setback from the rear and 5 foot setback from the side, as long as it is 5 feet behind the house. We are not enforcing permits and the accessory building are built and set before Naples City has contact made. This presentation is to exempt those that don't require building permits from Naples City, that they may be allowed anywhere on the lot. Commissioner Clark noted that the setback is being changed from 5 feet to 3 feet on accessory buildings that are permitted. Mike Davis stated that there have been complaints from residents stating 5 feet is too far from the property line. Scott Adams asks for clarification if this is rear setback and side setback. Chris Clark recalled there was a fair amount of discussion when the ordinance was changed from 10 feet to 5 feet is because any structure, accessory, or dwelling closer than 5 feet from the lot line, requires a one-hour fire rated wall assembly. Which is why the previous change to the ordinance was kept at 5 feet from the lot line. If the requirement is changed to less than 5 feet, the enforcement would need to be there to enforce the building codes. Planning commission recommends staff research to double check building code to see if there is allowance for accessory structures to be closer than 5 feet without a fire rating. Will be brought next time for public hearing and modifications can be made at that point.

Recreational Vehicle and Mobile Home 02-14-017

Building Official, Dale Peterson, mobile home are structures built prior to 1976, are now prohibited in the city. Manufactured housing is built to international building code and HUD code. Current code for RV can be on property for a total of 30 days at a time. There is no definition to define period of time in the current ordinance. There have been individuals who have requested to live in an RV while a home is being constructed. This ordinance change allows for that, to allow the individual building a home to live in an RV on their property while they build, they would be required to adhere to setback requirements and hook on to house utilities. If the home is finished within the year, they will have to disconnect the RV from utilities and can keep the RV on the property for camping. If they construction goes beyond the one year, they can apply for a six-month extension, as listed on the building permit, as long as they keep the RV legally licensed while it is there. This allows sheltering of a family during construction. Looking at the cost of rent, it is a recommendation that an RV can be placed temporarily on the property for six months to provide shelter for family while they look for a place to rent. Jessie McKee asks Mr. Peterson how often he runs into a problem with people living in an RV. Mr. Peterson states there is half a dozen or so in the city and will increase in the future. In the area, there are a lot of apartments that are full, contractors are stating they are busy. This ordinance opens things up for individuals constructing their homes. Chris Clark stated that the six month time frame seems like a long time. Dale Peterson replies that it is a long time but we need to look at families who want to help their children and this change may be the way for them to help. Chris Clark asks for clarification the 180 days, gives anyone the ability to live in the RV for 180 days out of the year. Anybody with a building permit can live in the RV for

1 year with an additional six month extension. Scott Adams asks for clarification on permit if the RV is up to the year but under the 180 days, there is no permit needed. Dale Peterson stated that the 180 day permit does not allow for the extension. Scott Major states that if someone wanted to push the limits, an individual could stay in the RV from June to December, then the following year could stay in it from January to June. The ordinance states total in any one year and Scott Major states there is a need for that, but 180 days sounds like a lot. Jacob Harrison comments that he has family who had to live in an RV for two and a half years before they could place a home on the property. Silver Pines and many other places are at capacity. With the railroad coming in, they are forecasting a housing shortage. Ken Reynolds comments that the time frame is a long time and doesn't want to see Naples being a big mobile home park. Chris Clark questions 3-A it states used as temporary shelter for the family, if this is specific enough, if it needs to be limited to the individual who own the land. Scott Major suggested taking out "for the family" and leave the language of used for temporary sheltering. He suggests that a section should be added where the RV can't be rented. Chris Clark states proposal should be the property owner and whoever they authorize to be there, we limit it to one RV. When building it is listed on building permit that it must be occupied by the permit holder. We should mimic that language that is on the building permit so that it is not a free for all to have others live on the land when someone has a building permit. Chris Clark asked if there were any issues with Tri-County Health or Ashley Valley Water & Sewer, connecting an RV to the utilities or if there has to be a building permit. Dale Peterson states that he has to call and release utilities. The Planning Commission requests staff to complete research similar city ordinances, include a statement that renting is prohibited, as well as options for definition of who is allowed to stay in the RV during the building permit phase. This item will be brought back for future discussion.

IFA Subdivision Amended Plat

Mike Davis presents the minor subdivision of Lot 2 of the IFA Subdivision Amended Plat to make three parcels out of the subdivision for discussion to see if there are any concerns. The concern is lot 6 frontage requirements. The first filed plat has a statement designating all easements on the plat as public thoroughfare, perpetual right, and easements. The ordinance currently states that it qualifies as long as it is a thoroughfare of 28 feet in width. There is a road on the original plat showing the easement going next to lot 6 and running back to IFA which Mike Davis was concerned about, he asked the property owner to establish a permanent easement dedicated to the three lots they are subdividing, to ensure public easements exist in the future, regardless of what happens with the IFA parcel. Planning commission does not have any concerns other than if the access easement is sufficient. No further discussion on this item.

Appeals Variance Hearing Officer

Gwen Harrison presented research that was found on Appeals and Variance Hearing Officer as directed from the previous meeting. Qualifications state that the individual must have a law background. Chris Clark questions if Josh Bake is still listed as the City's officer. Jessy McKee states that he understood there was an agreement with Vernal City and Uintah County that there was an individual who was shared between them to be the appeals and variance hearing officer. Scott Adams states that ideally, if there's an individual hired by neighboring cities and counties, used on a case-by-case basis, and shouldn't be a financial burden on the city until they are used. And with the verbiage he doesn't see the value of the city creating one for city business because of conflict of interest but can see the benefits of another city using the individual. Chris Clark states the agreement needs to be M.O.U. with an individual based on the need for services at the time.

ITEMS FOR FUTURE DISCUSSION

Land Use Ordinance changes for Sign Regulations 02-16.

Commissioner Clark asks for a motion to adjourn.

ADJOURN

Jacob Harrison motions to adjourn, Scott Major seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Scott Adams	Aye
Jacob Harrison	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

The next Planning and Zoning meeting will tentatively be held February 17, 2022, in the Naples City Council Chambers @ 7:30 P.M.